

DRAFT TRUSTEE'S CONFIRMATION REPORT – 2/26/19

DEBTOR: Gliee V & Brian L., Sr. Gunsalus

CASE NO.: 17-20445 -PRW

ATTORNEY: Mark Wattenberg, Esq.

ATTORNEY FEES: \$ 0

Additional Attorney Fees: \$

I. TRUSTEE RECOMMENDATION: _____ Plan Recommended _____ Plan Not Recommended

II. PLAN FILED DATE: 8/1/18 (ECF BK No. 57)

A. PAYMENTS: \$264.76 per monthly wage order

B. REPAYMENT:

To secured creditors	\$11,715	with interest \$13,659
To priority creditors	\$ 0	
To unsecured creditors	\$ 639	est. 13 %
General unsecured debt	\$ 5,026 (uib)	
Duration of Plan	5	years
Total Scheduled Debt	\$20,068	incl. mortgages

C. FEASIBILITY:

Monthly Income	\$1956.56	(net) \$ 1956.56	(gross)
Less Estimated Expenses	\$1668.88		
Excess for Wage Plan	\$ 287.68		

D. OBJECTIONS to Confirmation: 1) The plan proposes to pay a secured creditor for property of the estate which the debtor does not technically own at this time.

2) Part 8.1 of the plan duplicates Part 2.2. Part 8.1 should be "none".

3) The secured claim in Part 3.1 of the plan should be in Part 3.2, as stated in Part 1.1.

4) Part 5.1 has 2 boxes checked. The only box checked should be the third box.

5) The adversary proceeding must be resolved.

6) The confirmation hearing must be restored to the calendar.

7) The plan proposes to pay the real property taxes with a rate less than the statutory rate.

E. Other comments:

☐ need certification of post petition DSO payments. ☐ need proof of surrender efforts

☒ other: 1) Plan payments are current.

2) The above figures assume the payment of Ontario County with the government rate of interest.

3) The above figures assume that the plan will be a 5 year pro-rata plan.

III. TREATMENT OF SECURED CLAIMS/LEASE ARREARS:

<u>Creditor</u>	<u>Amt of Claim</u>	<u>Security Claimed</u>	<u>Perfected</u>	<u>Plan Treatment</u>	<u>Monthly Pmt</u>
CNB	\$10,477.96	'10 Chevy Impala	Yes	Full + 5.5%	\$200.18
Ontario Co Treas	filed by debtors	R/P taxes	No	\$1236.52 + 5¼ %	\$ 23.76
Credit Acceptance	\$2,628.89	'04 Dodge	No	Paid by cosigner	

IV. SPECIAL PLAN PROVISIONS:

A. CLASSIFICATION of unsecured creditors: *Not applicable*

Class 1:	%	\$
Class 2:	%	\$
Class 3	%	\$

B. Rejection of executory contracts:

C. Other Plan Provisions:

V. BEST INTEREST TEST:

A. All assets were listed.

B. Total market value of assets: **\$8016**

Less valid liens **\$5250**

Less exempt property **\$2766**

(Available for judgment liens)

Subtotal **\$ 0**

Less est. Chapter 7 fees **\$ 0**

C. Total available in liquidation **\$ 0**

D. Best interests including present value **\$ 0**

Less priority claims **\$ 0**

(Support \$)

E. Amount due to unsecured **\$ 0**

F. Amount to be distributed to unsecured creditors **\$639**

G. Nature of major non-exempt assets:

VI. OTHER:

A. Debtor(s) states that the plan is proposed in good faith with intent to comply with the law.

B. Debtor(s) states that to the best of its knowledge there are no circumstances that would affect the ability to make the payments under the plan.

C. (If a business) The Trustee has investigated matters before him relative to the condition of debtor's business, and has not discovered any actionable causes concerning fraud, dishonesty, incompetence, misconduct, mismanagement or irregularities in managing said business.

D. Debtor requests no wage order because: _____ disability or retirement, _____ self employed, _____ risk of job loss, _____ other

E. Converted from Chapter 7 because: Non Applicable.

/s/ _____
GEORGE M. REIBER, TRUSTEE